

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 20, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-21172 - APPLICANT: REI NEON, LLC - OWNER: BLUE DAYDREAMS, LLC

**** CONDITIONS ****

The Planning Commission (5-0-1/rt vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements under Title 19.04 for the Non-Restricted Gaming use.
2. Conformance to the conditions for ZON-21165, ZON-21166, SUP-21168, SUP-21169, SUP-21171, SDR-21175 and VAC-21173 if approved.
3. The expansion of the Gaming Enterprise Overlay District shall be limited to the following parcels that are wholly outside the required buffer radii for Non-Restricted Gaming uses:

162-04-507-005	162-04-608-006
162-04-608-002	162-04-607-008
162-04-507-011	162-04-607-016
162-04-607-015	162-04-608-017
162-04-608-001	162-04-607-004
162-04-607-002	162-04-607-013
162-04-607-012	162-04-607-018
162-04-607-017	162-04-608-003
162-04-607-021	162-04-608-005
162-04-607-007	162-04-608-007
162-04-608-004	162-04-607-019
162-04-608-010	162-04-607-010
162-04-607-003	162-04-507-004
162-04-607-006	
162-04-607-011	
162-04-607-014	
162-04-608-016	
162-04-607-001	
162-04-507-003	
4. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed Non-Restricted Gaming Establishment at the southwest corner of Charleston Boulevard and Main Street. Staff finds that the proposal is consistent with the minimum standards listed in Title 19.04; however, the approval is conditioned upon the expansion of the Gaming Enterprise Overlay District (ZON-21166) and is limited to those existing parcels of record wholly outside the required separation areas.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/06/86	The City Council adopted by Ordinance #3218 the Redevelopment Plan for the Downtown Las Vegas Redevelopment Area.
07/05/00	The City Council adopted by Ordinance #5238 the Downtown Centennial Plan.
05/17/06	The City Council adopted by #5830 the amended Redevelopment Plan for the Downtown Las Vegas Redevelopment Area.
01/03/07	The City Council adopted by Ordinance #5874 the amended Downtown Centennial Plan.
05/24/07	<p>The Planning Commission recommended approval of companion items GPA-20227, ZON-21165, ZON-21166, SUP-21168, SUP-21169, SUP-21171, VAC-21173 and SDR-21175 concurrently with this application.</p> <p>The Planning Commission voted 5-0-1 to recommend APPROVAL (PC Agenda Item #22/jm).</p>
<i>Pre-Application Meeting</i>	
04/05/07	<p>A pre-application meeting was held with the applicant. The following items were discussed with the applicant:</p> <p>General Plan Amendment to MXU (Mixed Use)</p> <p>Rezoning from M (Industrial) and C-M (Commercial/Industrial) to C-2 (General Commercial)</p> <p>Downtown Centennial Plan Standards – utilities underground, streetscape standards, setbacks, service areas, parking structures, architectural standards such as reflective material, articulated roofline, no blank expressionless walls, detail main entry from street, no reflective glass (22% max).</p> <p>Parking study required</p> <p>Traffic study required</p>

<i>Neighborhood Meeting</i>	
4/24/07	<p>A neighborhood meeting was held on Tuesday, April 24, 2007 at 5:30 p.m. at Artistic Iron Works, 105 W. Charleston Blvd. 38 members of the public attended the meeting.</p> <p>The following questions and concerns were raised by members of the public:</p> <p>Concern about traffic on Main Street, and whether or not Main Street would be widened.</p> <p>General questions were raised about other traffic mitigation measures that would be required because of the project.</p> <p>Concern about the height and appearance of the parking structures.</p> <p>Concern about how the project might change if the applicant isn't awarded the RFP for the arena.</p> <p>Concern about whether there would be any public art components associated with the project, and how the project will compliment the Arts District.</p> <p>Questions were raised about REI's financial issues, funding, and profits.</p> <p>Concern about whether the project will accommodate the gateway project planned for Charleston Boulevard.</p> <p>Concern about whether the arena would conflict with the Performing Arts Center.</p> <p>A resident expressed a desire that the businesses and buildings on the west side of Main Street be retained, and that the new development be limited to the west side of Commerce Street.</p> <p>Questions were raised about the construction timeframe for the project.</p> <p>A question was raised about whether there was a valid sales contract with every property owner.</p> <p>A question was asked as to whether the applicant would be "flipping" the property.</p> <p>The applicant was asked if they had the financing to complete the project.</p>

<i>Field Check</i>	
04/23/07	<p>The 73.5 acre area is an array of commercial and industrial uses such as offices, retail shops, auto body shops, used car sales, warehouses, motel, and a bus depot. The area is bordered by Charleston Boulevard to the north, Wyoming Avenue to the south, the Union Pacific Railroad to the west, and Main Street to the east.</p>

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	73.50

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Auto Body Shops, Bus Depot, Offices, Motel, Truck Storage, Retail Shops, Used Car Sales, Warehouses.	LI/R (Light Industrial), C (Commercial)	M (Industrial), C-M (Commercial/Industrial), C-2 (General Commercial)
North	Warehouses, Convenience Store	C (Commercial), LI/R (Light Industrial)	M (Industrial), C-M (Commercial/Industrial), C-2 (General Commercial)
South	Auto Body Shops, Shops, Open Storage, Parking Lot,	C (Commercial), LI/R (Light Industrial)	C-M (Commercial/Industrial), C-2 (General Commercial)
East	Auto Body Shops, Storage, Shops, Offices, Tavern, Restaurant	C (Commercial)	C-M (Commercial/Industrial), C-2 (General Commercial)
West	Shops, Offices, Warehouses, Service Station, Car Wash	C (Commercial), LI/R (Light Industrial), MXU (Mixed Use)	M (Industrial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		N ¹
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Overlay District (<i>Downtown South, Arts District</i>)	X		N
A-O (Airport Overlay) District (200 feet)	X		N ²
Trails³	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment	X		Y
Project of Regional Significance	X		Y

1. A Waiver of Downtown Centennial Plan (Downtown South) Design Standards has been requested by the applicant.
2. A Special Use Permit (SUP-21175) has been requested for a proposed high rise mixed-use development in the Airport Overlay District.

3. Multi-Use Trail designated along railroad. In addition a pedestrian path is designated on Wyoming Avenue. Per Map 9 of the Downtown Centennial Plan, a Proposed Bus Rapid Transit Route is designated as proposed travel route on Main Street.

DEVELOPMENT STANDARDS

Pursuant to Las Vegas Downtown Centennial Plan Development Standards – Downtown South District.

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Setbacks	70% of the first story façade shall align along the front property line.	N	N
Corner Side	70% of the first story façade shall align along the front property line.	N	N
Service Areas	Service areas and loading docks shall not be located at frontage lines. All auto-related facilities (working bays, storage, etc.) shall orient away and be screened	Not provided	N/A
Utilities	All power lines shall be located underground from the nearest street access to the project site.	Y	Y
Encroachments	No aerial encroachments are permitted. No vacations of the street right-of-way shall be permitted for expanding the building footprint.	Y	Y
Fences/Walls	Fences/walls may be up to eight feet. Walls must be decorative in nature with a minimum of 20 percent contrasting materials.	N/A	N/A
Parking Screening	When parking lots face public streets, ornamental screen landscaping shall be incorporated	N/A	N/A
Parking Structures	Parking structures shall have ground level retail, office or restaurant space incorporated into the design of the structure. Such structures shall have no front or corner side setback. A 10 foot setback shall be required where no retail occurs.	Y	Y
Architectural Design Standards	Extended, blank, expressionless walls at the street level shall be prohibited. The use of expression lines and expression zones utilizing materials, colors, and/or relief shall be required in the pedestrian zone to create visually interesting facades (Graphic 14).	N	N*

	The use of arcades, awnings and canopies on the ground floor of a building is required unless waived by City Council as part of a site development plan review. An encroachment agreement with Public Works is required.	N	N*
	The main entry of the building from the street shall be appropriately articulated in the architectural design of the building. This shall be accomplished through change in materials, colors, and/or the amount of detailing around the entry; having the entry slightly recessed or protruding from the primary building line; and/or through the use of canopies or awnings, etc. (Graphic 14).	Y	Y
	Reflective or tinted glass shall not exceed 60 percent of the overall exterior enclosure of any building. Reflectivity of any glass shall not exceed 22 percent reflectivity index. Only non-reflective clear glass or non-reflective tinted glass with a visible light transmittance of about 60 percent shall be used on ground floors in all pedestrian-oriented areas.	N	N*

*A Waiver of Downtown Centennial Plan (Downtown South) Design Standards has been requested by the applicant.

Pursuant to Las Vegas Downtown Centennial Plan Development Standards – Downtown South

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Right-of-Way Improvements	All streets shall have a five foot amenity zone and a 10 foot wide, unobstructed sidewalk.	Y	Y
North-South Streets	Major north-south streets (Main Street) shall be designed thematically with Deglet-Noor Date Palms or similar type palms as the primary landscape element; 25 feet tall and spaced 30 feet apart. Southern Live Oak, Shoestring Acacia or African Sumac shade trees may be provided between the palm trees with a minimum height of 15 feet	Y	Y

Bus Turnouts	Charter bus drop areas shall be provided in close proximity to the entrances of newly constructed hotels.	N/A	N/A
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<i>Parking Requirement – Downtown</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Base Parking Requirement</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Hotel	6,000 Rooms	1:Guest room	6,000				
Condo (assuming all are two bedroom units)	1,500 Units	1:1.75 unit	2,625				
Resort/Condo Timeshare	1,600 Units	1:unit, plus 10 spaces for each 1,000 feet of accessory uses	1,600				
Gaming Establishment, Non restricted	300,000 SF of GFA	1:90 SF of GFA	3,334				
Private Sports Arena	22,000 Seats	1:4 fixed seats	5,500				
Retail Establishment	785,000 SF	1:250 SF of GFA	3,140				
Office	450,000	1:300 SF	1,500				
SubTotal			23,472	227			
TOTAL			23,699*		14,500	Not provided	

*Per the ULI Shared Parking Study, 13,814 shared parking spaces should be provided.

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City. The analysis should take a number of factors into consideration when discussing parking availability, including pedestrian access, nearby parking structures, on-street parking, etc.

ANALYSIS

Non-restricted Gaming Establishments must conform to the following minimum standards listed in Title 19.04:

GAMING ESTABLISHMENT, NONRESTRICTED

- *1. Except as otherwise exempted by State law, non-restricted gaming establishments must be located within the Gaming Enterprise Overlay District described in Subchapter 19.06.070.
- *2 A Special Use Permit is required for:
 - a. Any new non-restricted gaming establishment.
 - b. Any increase in the amount, variety or magnitude of gaming to be offered within an existing non-restricted gaming establishment whether or not the existing gaming was approved by means of a Special Use Permit.
- *3 The Special Use Permit requirement in Paragraph 2 above:
 - a. Applies to all property in the City, wherever located and whether or not it is located in the Gaming Enterprise Overlay District;
 - b. Applies to existing non-restricted gaming establishments whether or not they have applied for an increase in the amount, variety or magnitude of gaming to be offered;
 - c. Applies to any property or establishment irrespective of any rights or purported rights established by prior adjudication, to the extent such rights have not become vested by the exercise thereof; and
 - d. Supersedes and prevails over every other provision of the Municipal Code to the contrary, or that might be deemed to be interpreted to the contrary.

Please note the following relative to the requirements listed above:

1. The applicant has filed an application (ZON-21166) to expand the Gaming Enterprise Overlay District to permit three non-restricted gaming facilities on the subject development site. This Special Use Permit application cannot be approved unless the expansion of the Gaming Overlay is also approved.
2. This Special Use Permit application has been filed to allow three new non-restricted gaming facilities on the subject site.
3. This application has been filed in accordance with City regulations.

As noted above, approval of this application is dependent upon the approval of the associated request (ZON-21166) to expand the Gaming Enterprise District Overlay to the subject development site. Due to the regulations listed in Nevada Revised Statutes (NRS 463.3086), the expansion of the overlay is limited to those parcels completely outside of the minimum separation radius from any protected uses. Consequently, this Special Use Permit will be limited to those parcels outside the separation radii; an exhibit is attached showing the estimated parcels to which this approval may be applied, and the parcel numbers have been listed in the conditions of approval.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed non-restricted gaming use is generally compatible with the surrounding commercial uses and with future surrounding land uses as projected by the General Plan.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is 73.5 acres in size, and is physically suitable for the gaming and other uses and scale of development proposed for the site.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The location and intensity of this development will impact adjacent roadways; the applicant will be required to mitigate these impacts as a condition of approval of the project. A traffic study is required to determine the full extent of the mitigation improvements that will be necessary.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this Special Use Permit will not compromise public health, safety or welfare.

5. **The use meets all of the applicable conditions per Title 19.04.**

The use is consistent with the applicable conditions listed in Title 19.04, subject to the approval of the associated Gaming Enterprise District Overlay expansion (ZON-21166).

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

19

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 1983 by Planning Department

APPROVALS 0

PROTESTS 0